

## **Michael D. McDowell, Esq.**

Arbitrator, Mediator

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### **Professional Experience:**

Full time Arbitrator and Mediator, 2003-present; Part time arbitrator, 1984-2003; Previously served as Deputy General Counsel/Director, Human Resources/Attorney, Allegheny Energy, Inc.; Senior Counsel/Counsel, Dravo Corp.; Attorney, Plowman and Spiegel; Attorney, Hirsch, Weise & Tillman; Assistant United States Attorney, Middle District of Pennsylvania.

### **Permanent Panels:**

- United States Postal Service and American Postal Workers Union, AFL-CIO (Pittsburgh Expedited Panel)
- UMWA, District 2 and Bituminous Coal Operators' Association ("BCOA")
- City of Norton, OH and Ohio Council 8, AFSCME, AFL-CIO and Local 265.

### **Rosters:**

- Federal Mediation and Conciliation Service (labor arbitrator)
- Pennsylvania Bureau of Mediation (labor arbitrator)
- American Arbitration Association (labor, commercial, employment, employee benefits, and energy arbitrator)
- Pennsylvania Labor Relations Board (fact finder and labor arbitrator)
- National Mediation Board (labor arbitrator)
- New Jersey State Board of Mediation (labor arbitrator)
- New York State Employment Relations Board (labor arbitrator)
- Ohio State Employment Relations Board (fact finder)
- American Arbitration Association (commercial and employment mediator)
- EEOC Cleveland District Office (employment mediator)
- International Institute for Conflict Prevention and Resolution Employment and Pittsburgh General Panels (arbitrator and mediator)
- West Virginia State Circuit Courts (commercial mediator)
- Pittsburgh Mediation Center (mediator)
- U.S. Bankruptcy Court, Dist of Delaware (mediator)
- U.S. Bankruptcy Court, WDPA (mediator)
- U.S. District Court, MDPA (mediator)
- U.S. District Court, WDPA (arbitrator, mediator and early neutral evaluator)
- National Association of Securities Dealers (securities and employment arbitrator and mediator)
- New York Stock Exchange, Inc. (securities and employment arbitrator and mediator)
- PBA Attorney Dispute Resolution Program (commercial and employment arbitrator).

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### **Industries:**

Building products; cement; chemicals; coal; construction; education; electrical equipment/appliance; foundry; furniture; glass/pottery; health care; hospital/nursing home; iron; lumber; machinery; maritime; mining; nuclear energy; office workers/clerical; organizations; petroleum/petrochemicals; plastics; plumbing; postal; prison guard; real estate; refrigeration/HVAC; shipbuilding/dry-dock; steel; stone/quarry; textile; transportation; trucking and storage; utilities; warehousing.

### **Issues:**

Affirmative Action; Absenteeism; Arbitrability; Bargaining Unit Work; Conduct (Off-Duty)/Personal; Demotion; Discipline (non-discharge); Discipline (Discharge); Age Discrimination; Disability Discrimination; Race Discrimination; Sex Discrimination; Religion Discrimination; National Origin Discrimination; Drug/Alcohol Offenses; Bonus; Holidays; Insurance; Leave; Vacation; Grievance Mediation; Health/Hospitalization; Hiring Practices; Job Performance; Job Posting/Bidding; Jurisdictional Dispute; Layoffs/Bumping/Recall; Management Rights; Official Time; Past Practices; Pension and Welfare Plans; Pension Claim (Federal Statute); Promotion; Retirement; Safety/Health Conditions; Seniority; Sexual Harassment; Strikes, Lockouts, Work Stoppages, Slowdowns; Subcontracting/Contracting Out; Tenure/Reappointment; Union Security; Cost-of-living Pay; Holiday Pay; Incentive Pay; Job Classification, Call in Pay, Merit Pay, Overtime Pay, Severance Pay, Vacation Pay, Work Hrs/Scheds/Assignmts, Working Conditions/Work Orders, Violence or Threats.

### **Education:**

University of Dayton (BS, Business Management); University of Pittsburgh School of Law (JD).

### **Professional Designations:**

Association for Conflict Resolution Advanced Practitioner Designations: Labor and Employment Arbitrator; Workplace Mediator. Martindale Hubble AV Designation.

### **Published Labor Awards:**

07-1 ARB (CCH) ¶3726; 06-2 ARB (CCH) ¶3644; 06-1 ARB (CCH) ¶ 3557; 06-1 ARB (CCH) ¶3529; 06-1 ARB (CCH) ¶3501; 06-1 ARB (CCH) ¶3376; 06-1 ARB (CCH) ¶3406; 121 LA (BNA) 116, 05-1 ARB (CCH) ¶ 3140; 04-1 ARB (CCH) ¶ 3990; 04-1 ARB (CCH) ¶ 3838; 94 LA (BNA) 894; 90-2 ARB (CCH) ¶ 8502; 89-2 ARB (CCH) ¶ 8337; 82 LA (BNA) 187, 84-1 ARB (CCH) ¶ 8193.

### **Fee Schedule:**

**Per Diem:** The fee is \$800.00 per day for administration, travel, hearing, research, preparation of the opinion and award. Hearing and travel days are any portion of a day up to eight hours. Time for administration, research and preparation is prorated.

**Cancellation Policy:** If a scheduled hearing day is postponed or cancelled a cancellation fee of \$1200.00 for each scheduled hearing day will be charged.

**Expenses:** The actual cost of all reasonable expenses will be charged.